United Nations A/50/PV.81

General Assembly
Fifiteth Session

Official Records

81st plenary meeting
Tuesday, 5 December 1995, 3 p.m.
New York

President: Mr. Freitas do Amaral ..... (Portugal)

The meeting was called to order at 3.15 p.m.

Agenda items 39 (*continued*) and 96 (*continued*)

Law of the sea

Report of the Secretary-General (A/50/713)

Draft resolution (A/50/L.34)

Environment and sustainable development

(c) Sustainable use and conservation of the marine living resources of the high seas

Reports of the Secretary-General (A/50/549, A/50/550, A/50/553)

Note by the Secretary-General (A/50/552)

Draft resolutions (A/50/L.35, A/50/L.36)

Mr. Laclaustra (Spain) (*interpretation from Spanish*): I have the honour of speaking on behalf of the European Union.

A year has passed since the United Nations Convention on the Law of the Sea entered into force. This marked the culmination of an effort, begun many years ago, towards the codification and progressive development of international law in this very important field. The number of States parties continues to grow, and, thanks to the Agreement relating to the Implementation of Part XI of the Convention, wider acceptance of the Convention has been facilitated.

The European Union wishes to express its satisfaction at the progress being made in setting up the institutions and organs created by the Convention. The job of creating these institutions is never easy. Nevertheless, we note that the Meetings of States Parties have managed to respond to these problems through realistic, gradual and flexible solutions that fully accord with the principle of cost-effectiveness.

Yesterday, the United Nations Agreement for the Implementation of the Provisions of the United Nations Convention on the Law of the Sea of 10 December 1982 relating to the Conservation and Management of Straddling Fish Stocks and Highly Migratory Fish Stock was opened for signature. The European Community and its member States actively participated in the Conference at which this text was negotiated and finally adopted. At present, however, it is not possible for the European Community and its member States to sign the Agreement, as the required internal procedures have not yet been completed.

Once these procedures are finalized, the European Community and its member States will ensure their continued participation in, and commitment to, this important process. This active participation is based on the firm commitment of the European Community and its member States to responsible fishing and international

95-86921 (E)

This record contains the original text of speeches delivered in English and interpretations of speeches delivered in the other languages. Corrections should be submitted to original speeches only. They should be incorporated in a copy of the record and be sent under the signature of a member of the delegation concerned, *within one month of the date of the meeting*, to the Chief of the Verbatim Reporting Service, Room C-178. Corrections will be issued after the end of the session in a consolidated corrigendum.

READEX FICHE best copy available

cooperation in the management and conservation of living marine resources. We hope that this management, which will promote the sustainable use and development of the oceans and seas and their resources, will be carried out in accordance with the principles of cost-effectiveness, without duplication of efforts.

We would like to conclude by stating that the European Union is aware of the importance of the new phase that the law of the sea is entering, with a Convention in the process of being widely accepted and a system of institutions reflecting the will of the international community as to the sustainable management of the sea in a way that promotes the maintenance and strengthening of international peace and security as well as the economic and social development of all peoples.

Mr. Linton (Sweden): We have just listened to the representative of Spain speaking on behalf of the European Union, and, of course, I fully agree with his statement. I should therefore like to confine my statement to a few comments on the issue of straddling fish stocks.

Sweden has, like all other members of the European Union, actively promoted the negotiation and conclusion of the Agreement for the Implementation of the Provisions of the United Nations Convention on the Law of the Sea of 10 December 1982 relating to the Conservation and Management of Straddling Fish Stocks and Highly Migratory Fish Stocks. My Government welcomes the opening for signature of this important global legal instrument, being, as it is, of a legally binding nature.

The Agreement thus constitutes an important tool for solving many problems now facing us — for instance, unregulated fishing, overcapitalization, excessive fleet size, vessel reflagging to escape controls, insufficiently selective gear and unreliable databases. It is a major vehicle for addressing the lack, up to now, of sufficient cooperation between States in order to ensure long-term sustainability in world fisheries. It is furthermore an important step in a process towards responsible sustainable fisheries on the high seas and in fishing for straddling fish stocks and highly migratory fish stocks in the economic zones of the parties to the new Agreement.

It is now important that the process of implementation become successful. Otherwise, major commercial fish stocks around the world may collapse. The food security of millions of poor coastal people in the third world will be at risk, and world fisheries will face enormous problems. Our task is urgent. It is consequently the hope of the Swedish Government that the Agreement will be urgently signed and ratified by all those States that fish the important fish stocks covered by the Agreement and that urgent action will be taken to implement it. I regret that my country was not in a position to sign the Agreement yesterday, since the internal procedures within the European Community could not be completed in time. Let me assure the Assembly that our signature will be added without delay.

The conservation and management regime of the new Agreement is built on sustainability. It stresses the wide application of the precautionary approach to the management of straddling fish stocks and highly migratory fish stocks in order to protect living marine resources, the marine environment and its biological diversity. The Agreement furthermore introduces the necessary strict measures for multilateral enforcement of conservation and management measures.

Regional fisheries organizations will be the major vehicle for the implementation of the Agreement. Only those States which are members of or participants in these organizations, or which agree to apply their conservation and management measures, will have access to the fishery resources of the high-seas areas covered by the organizations. The organizations are open for membership to all States having an interest in the fisheries concerned. There is an urgent need to strengthen the regional fisheries organizations in order to carry out the new tasks assigned to them by the Agreement. They will have to organize meetings of member countries to prepare and adopt conservation and management decisions. Research must be organized, as well as monitoring, control and enforcement regimes. Secretariats, scientific institutions and laboratories may have to be established in the various regions. Tools for effective multilateral enforcement will have to be built up. Considerable efforts and investments might be necessary.

The Swedish Government has therefore proposed that the Food and Agriculture Organization of the United Nations (FAO) should prepare to assist the regional organizations, in particular in developing regions, in organizing for the performance of the new tasks. To that end, my Government has suggested that FAO urgently carry out a comprehensive study on possible options for mobilizing the necessary resources for financing the fixed, operating and other costs.

Let me conclude by stating that the new Agreement embraces some of the major commercial fish stocks in the high seas. Its provisions on general principles regarding conservation and management, as well as on the application of the precautionary approach, also apply to fishing for straddling fish stocks and highly migratory fish stocks in the economic zones. The full application of the Agreement by all the fishing nations of the world will make it possible to save these stocks for this generation and for future generations.

Before closing, I want to express the Swedish Government's acknowledgement of the skill, the firm leadership and the commitment of Ambassador Satya Nandan as one of the main architects of the Agreement.

Mr. DeCotiis (United States of America): The United States is pleased to note that the international community continues to place great importance on issues involving the oceans and living marine resources. As a global and common resource, they offer an unparalleled opportunity to advance the principles of sustainable use and international cooperation. We therefore support the draft resolution being considered under agenda item 39, on the law of the sea, and the two draft resolutions under agenda item 96(c), dealing with the sustainable use and conservation of living marine resources of the high seas.

The 1982 United Nations Convention on the Law of the Sea continues to serve as a comprehensive framework with respect to the uses of the oceans. It creates the structure for the governance and protection of all marine areas, including the airspace above and the seabed and subsoil below.

In signing the accompanying Agreement relating to the Implementation of Part XI of the United Nations Convention on the Law of the Sea on 29 July 1994, the United States indicated that it intends to apply the Agreement provisionally, pending ratification. We are participating in the establishment of the International Seabed Authority, the International Tribunal for the Law of the Sea and the Commission on the Limits of the Continental Shelf. We are working to ensure that form follows function in the creation of these important institutions. In this regard, we welcome the efforts of the sponsors to effectuate the principles of cost- effectiveness of this draft resolution, particularly with regard to the frequency and duration of meetings. The United States is proceeding with its domestic procedures for accession to the Convention and ratification of the Agreement as soon as possible.

We commend the references in the draft resolution which link the strategic importance of the Convention on the Law of the Sea to chapter 17, on oceans, of Agenda 21 of the United Nations Conference on Environment and Development. This linkage is serving to strengthen the cooperation between States, especially in the area of marine environmental protection. Just last month, the United States hosted the United Nations Environment Programme conference on the protection of the marine environment from land-based activities. Practical, down-to-earth, hands-on solutions to the difficult issues raised by land-based sources of marine pollution and degradation of the coastal environment were incorporated in a programme of action and Washington declaration. We believe that the 1982 United Nations Convention provides the firm foundation upon which States can take action to improve the health of the marine environment.

Yesterday the United States, joined by other nations, signed the Agreement for the Implementation of the Provisions of the United Nations Convention on the Law of the Sea of 10 December 1982 relating to the Conservation and Management of Straddling Fish Stocks and Highly Migratory Fish Stocks.

As a principal sponsor of resolutions 47/192, 48/194 and 49/121, through which the General Assembly convened the United Nations Conference on Straddling Fish Stocks and Highly Migratory Fish Stocks, the United States commends the Conference for achieving its difficult goal and adopting a well-balanced Agreement by consensus. The United States supports the Agreement because its general principles and specific provisions on use of a precautionary approach, compatibility, regional and subregional organizations or arrangements, collection and exchange of data, enforcement and peaceful settlement of disputes strike a reasonable balance between conservation and fishing concerns, and between the interests of coastal States and States whose vessels fish on the high seas.

The United States hopes that all nations that signed the Agreement yesterday will soon deposit their instruments of ratification and urges those nations which were not able to sign the Agreement yesterday to do so as soon as possible in order that the Agreement may enter into force in the near future.

The United States is pleased to sponsor also the draft resolution dealing with large-scale pelagic drift-net fishing, unauthorized fishing in zones of national jurisdiction, and fisheries by-catch and discards. As a

principal sponsor of General Assembly resolution 46/215, on large-scale pelagic drift-net fishing, the United States takes a particular interest in the full and effective implementation of that resolution, in particular the call for all members of the international community to fully implement a global moratorium on all large-scale pelagic drift-net fishing on the high seas by 31 December 1992. The United States believes that the best scientific evidence demonstrates the wastefulness and potential ecosystem-scale negative impacts of such fishing.

The United States has taken measures, both individually and collectively, to prevent large-scale pelagic drift-net fishing operations on the high seas and has called upon others to implement and comply with the resolution. The United States urges that any activity or conduct inconsistent with the terms of the resolution be reported to the Secretary-General. The United States has taken a number of steps to implement the resolution, including, among other things, prohibiting large-scale drift-net fishing in the United States exclusive economic zone and making it unlawful for United States nationals and vessels to engage in large-scale drift-net fishing anywhere on the high seas. We have also announced plans to promote observance of the global moratorium by vessels of all flags, including through steps the United States intends to take in the event that United States enforcement authorities have reasonable grounds to believe that a fishing vessel encountered on the high seas is conducting, or has conducted, large-scale pelagic drift-net fishing inconsistent with the resolution.

United States fisheries enforcement authorities continue to monitor high seas fishing activities in support of resolution 46/215 by conducting aircraft sorties and cutter patrols in areas of former large-scale high seas drift-net fishing activity. This year, United States enforcement officials, with the cooperation of other concerned Governments, detected a stateless vessel on the high seas equipped for large-scale drift-net fishing operations in the North Pacific. The stateless vessel was boarded and escorted to a United States port for further investigation and prosecution. The United States remains vigilant in its efforts to implement resolution 46/215. The United States is aware of reports of drift-net fishing in other areas and has undertaken efforts to investigate such reports. We call upon all members to ensure full compliance with resolution 46/215.

In this regard, we continue to encourage all members of the international community to take measures to prohibit their nationals and fishing vessels from undertaking any activity contrary to resolution 46/215 and to impose appropriate penalties against any vessel that may undertake such activities. The United States strongly supports continued monitoring of the implementation of resolution 46/215, in particular the global moratorium on large-scale pelagic drift-net fishing on the high seas, and would welcome a report to the General Assembly at its fifty-first session on implementation of the resolution.

As the principal sponsor of General Assembly resolution 49/116, the United States is especially interested in ensuring that flag States fulfil their obligation to prevent fishing vessels entitled to fly their national flag from fishing in zones under the national jurisdiction of other States, unless duly authorized, and to ensure that these fishing operations are conducted in accordance with the terms and conditions established by the competent authority. States have an obligation under international law, as reflected in the United Nations Convention on the Law of the Sea, to take measures to prevent fishing vessels entitled to fly their national flag from fishing in zones under the national jurisdiction of other States, unless duly authorized to do so. Article 56, paragraph 1, of the Convention provides that coastal States have sovereign rights for the purpose of exploring and exploiting, conserving and managing the natural resources within their respective zones of national jurisdiction. Furthermore, article 62, paragraph 4, of the Convention provides that nationals of other States fishing in the exclusive economic zone shall comply with the conservation measures and with the terms and regulations established in the laws and regulations of the coastal State.

The United States has taken steps to prevent unauthorized fishing in zones under the national jurisdiction of other States by vessels entitled to fly the United States flag. These steps include domestic legislation prohibiting the importation and sale of fish taken in violation of any foreign law. The United States has also entered into several agreements containing specific provisions which prohibit unauthorized fishing by United States flag fishing vessels in areas under the national jurisdiction of other States. Violators of these measures are subject to fines, imprisonment or other enforcement action.

The United States attaches extreme importance to compliance with resolution 49/116 and encourages all flag States of the international community to take measures consistent with the Food and Agriculture Organization of the United Nations (FAO) Code of Conduct for Responsible Fisheries to prevent fishing

vessels entitled to fly their flag from fishing in zones of other States unless duly authorized and ensure that such fishing operations are conducted in accordance with the conditions set out in such authorization.The United States would welcome a report to the General Assembly at its fifty-first session on implementation of the resolution.

As a principal sponsor of General Assembly resolution 49/118, the United States is also very interested in fisheries by-catch and discards. Fisheries by-catch and discards of by-catch are an increasing global economic, environmental and political concern, as States and relevant international organizations and regional fisheries management organizations and arrangements attempt to rebuild depleted stocks, maintain biological diversity, protect endangered species and ensure maximum sustainable use of fishery resources.

The United States is encouraged that the Agreement on straddling fish stocks and highly migratory fish stocks and the Code of Conduct for Responsible Fisheries, both adopted this year, contain provisions to address fisheries by-catch and discards. The Agreement contains a general obligation, among other things, for countries to minimize waste, discards, catch by lost or abandoned gear, catch of non-target species — both fish and non-fish species — and impacts on associated and/or dependent species — in particular endangered species — through measures including, to the extent practicable, the development and use of selective, environmentally safe and cost-effective fishing gear and techniques.

The Code contains guidelines for the conduct of fisheries conservation and management, fishing operations, aquaculture development, post-harvest practices, and research. In particular, the guidelines on fishing-gear selectivity and practices are aimed at reducing by-catch and discards.

The United States is working to reduce by-catch and discards in its international and domestic fisheries. International efforts in this regard include a proposed Western Hemisphere sea turtle convention to reduce the incidental take of sea turtles in Caribbean Basin shrimp fisheries. The United States is also a party to the Convention on the Conservation and Management of Pollock Resources in the Central Bering Sea and the Convention for the Conservation of Anadromous Stocks in the North Pacific Ocean. Each of these agreements contains specific measures either to minimize or to prohibit the retaining of non-target species. The United States is also working extensively with the International Pacific Halibut Commission to control and reduce halibut by-catch in groundfish fisheries off its west coast.

Finally, the United States urges all States to work with relevant international organizations and regional fisheries management organizations and arrangements to take action to adopt policies, apply measures, collect and exchange data and develop techniques to reduce by-catch, discards and post-harvest losses consistent with international law and relevant international instruments, including the Code of Conduct for Responsible Fisheries.

Mr. Samana (Papua New Guinea): Papua New Guinea has the honour to make this statement in its capacity as the present Chair of the South Pacific Forum and on behalf of the 16 member countries of the South Pacific Forum Fisheries Agency: Australia, the Cook Islands, the Federated States of Micronesia, Fiji, Kiribati, the Marshall Islands, Nauru, New Zealand, Niue, Palau, Papua New Guinea, Samoa, Solomon Islands, Tonga, Tuvalu and Vanuatu.

It is a real pleasure on the occasion of the fiftieth anniversary of the United Nations to witness yet another remarkable milestone achievement in multilateral negotiations that culminated in the signing by a significant number of States yesterday of the Agreement for the Implementation of the Provisions of the United Nations Convention on the Law of the Sea of 10 December 1992 relating to the Conservation and Management of Straddling Fish Stocks and Highly Migratory Fish Stocks and the Final Act of the Conference on Straddling Fish Stocks and Highly Migratory Fish Stocks.

At the successful conclusion of the Conference on Straddling Fish Stocks and Highly Migratory Fish Stocks, we stated, as we do today, that many had doubted the ability of the Conference to achieve strong results that would meet the objectives of ensuring conservation and management and the long-term sustainability of straddling fish stocks and highly migratory fish stocks. Some had feared that the Conference would not address the multitude of complex legal, technical and policy issues involved.

The signing of the legally binding Agreement and the Final Act for the Implementation of the Provisions of the United Nations Convention on the Law of the Sea of 10 December 1982, relating to the Conservation and Management of Straddling Fish Stocks and Highly

Migratory Fish Stocks, is the result of the immense dedication and conscious efforts of all concerned.

We wish to express our gratitude to Member States that participated in framing this international legal regime, which will foster genuine partnership and cooperation in the management and conservation of the world's fisheries resources. In this connection, we should also like to offer our profound gratitude to Ambassador Satya Nandan of Fiji for his sincerity and skilful leadership in guiding the negotiations to their successful conclusion.

The South Pacific countries are truly proud that one of their sons led and excelled in the negotiations, enjoying the widest and strongest support of the international community, to conclude a detailed and balanced Agreement consistent with the objectives agreed at the United Nations Conference on Environment and Development in 1992. Our continuous support for and commitment to a binding agreement at the Conference was demonstrated further yesterday when Australia, Fiji, the Marshall Islands, the Federated States of Micronesia, New Zealand, Papua New Guinea, Tonga and Niue joined other States in committing their Governments to the Agreement and the Final Act. Other member States of the Forum are expected to do likewise soon.

We are firmly convinced that the new Agreement represents a major achievement for world fisheries. It builds on the foundation established by the 1982 United Nations Convention on the Law of the Sea to create a comprehensive regime for the conservation and management of straddling fish stocks and highly migratory fish stocks.

I wish to touch briefly on the profound importance of the Agreement to the countries of the South Pacific region. We have stressed repeatedly the magnitude of our collective tuna resources, which represent some 60 per cent of the world's total production. Fisheries resources are vital to the daily sustenance of our people and, for the many small island developing States, represent a major source of internal revenue. We have a tremendous responsibility to conserve and manage our fisheries resources for the benefit of our current and future generations. Our active participation throughout the negotiations at the Conference on Straddling Fish Stocks and Highly Migratory Fish Stocks is testimony to our commitment to fulfilling that responsibility.

The key elements contained in the Agreement, stressing the importance of the precautionary principle and resolutions pertaining to the law of the sea and related provisions, are of fundamental importance to our region. Apart from the application of the precautionary approach, provisions relating to the collection and exchange of data are extremely important. Access to comprehensive and accurate data on a timely basis is fundamental to sound fisheries conservation and management. Annex I of the Agreement, setting out the detailed requirements for the collection and sharing of such data, is a major global achievement.

In addition, the Agreement specifies global norms for sustainable management, creates mechanisms for cooperation and has the necessary flexibility to accommodate the geographic characteristics of each region. This new Agreement provides a solid foundation for cooperation and partnership between coastal States and fishing States, particularly on the high seas. We are particularly pleased to see that the needs and interests of small island developing States are acknowledged within the framework of this Agreement.

In 1992, when the Conference began, we were concerned about saving the high seas from the massive environmental pressure that would inevitably flow into the management of resources within our exclusive economic zones, causing greater tension and anxiety. Our efforts have borne fruit. We now have a framework for international cooperation to take the necessary conservation measures on the high seas and in recognition of the exclusive economic zones of relevant coastal States.

Having come this far from those uncertain and challenging times to achieve a multilateral Agreement that contains the basic components for conservation and management, we can all be proud of our combined efforts. Like the process of the United Nations Conference on Environment and Development, the Agreement is but one step in the long journey towards achieving sustainable use of the world's fisheries resources. The real challenge now lies in its full and effective implementation.

At the recently held South Pacific Forum meeting in Papua New Guinea, the Agreement received the overwhelming support of all Heads of Government of the Forum member countries. The communiqué signed by our leaders endorsed the support for the Agreement. This early political support was instrumental in the expeditious signing of the Agreement yesterday by many Forum member countries. As a result of the decision of the

Forum nations, we have embarked upon a review of the Agreement to expedite its implementation in our region. The strong political backing of the Governments and countries of the South Pacific not only provides general confidence, but also reaffirms the importance we attach to the Agreement.

We urge others, including the high-seas fishing States, to join in our endeavours and signal a continuation of the partnership that prevailed throughout the Conference on Straddling Fish Stocks and Highly Migratory Fish Stocks. Papua New Guinea and the countries of the South Pacific Forum have recognized that cooperation is the key to better management of our fisheries resources.

At this juncture, I wish to express our deep regret that, while the international community is labouring conscientiously to establish international conventions and legal regimes to facilitate international cooperation in the conservation and management of our fisheries resources, the actions of some countries ironically and directly undermine these very objectives. France's nuclear testing in the South Pacific, for example, poses a serious threat to our ecosystem, which would directly affect the fisheries and living marine resources.

In this regard, the French Government's actions continue to defy the very notion of adhering to the precautionary principles and undermine the positive efforts of the international community to protect our common heritage and respect the interests and welfare of all States parties concerned.

Finally, with respect to the international Convention on the Law of the Sea and the international Agreement that we have framed, we are confident that, on the basis of the goodwill and support of all States, we shall be able to implement the provisions of the Agreement fully and effectively to satisfy our common goals and objectives.

Mr. Wang Xuexian (China) (*interpretation from Chinese*): The coming into effect of the United Nations Convention on the Law of the Sea has attracted the close attention of the international community. The Agreement relating to the implementation of Part XI of the United Nations Convention on the Law of the Sea, which was endorsed by the General Assembly last year, paved the way for realization of the universality of the Convention, and it is highly valued and broadly welcomed by Member States.

Over the past year, there has been a rapid increase in the number of States that have ratified or acceded to the Convention and the Agreement or agreed to apply the Agreement on a provisional basis. Many States, including China, have started domestic legal proceedings for ratification of or accession to the Convention and the Agreement. The Convention on the Law of the Sea is gradually becoming a set of important practical international legal rules safeguarding the new world order of the seas and regulating States' activities in the rational exploitation and utilization of marine resources.

In the past year, considerable progress has been achieved through efforts with regard to implementing and applying the Convention and the Agreement. We have noted that the Conference of States parties to the Convention that was held in May this year decided to postpone until 1 August 1996 the first election, under the Convention, of members of the International Tribunal for the Law of the Sea. This decision will no doubt facilitate the establishment of a Tribunal that really embodies the principle of equitable geographical distribution and represents all major legal systems of the world.

Such a Tribunal will play an important role in settling disputes between States related to the seas and oceans and in promoting effective implementation of the Convention, so as to maintain the international legal order of the seas. The Assembly of the International Seabed Authority established under the Convention has started operation, and there have been many rounds of consultations on the election of the members of the Council and the Secretary-General of the Authority. We are fully aware of the existence of numerous difficulties with regard to the election of the Council. However, so long as the parties concerned, in a spirit of cooperation, strictly abide by the relevant provisions, principles and criteria of the Convention and the Agreement, the coming three-day inter-session consultations on this issue will achieve substantive results that are satisfactory to all. In this respect, we strongly object to the use, in the election of members of the relevant categories of the Council, of criteria or conditions that are outside the provisions of the Convention and the Agreement.

Another important development related to the implementation and application of the provisions of the Convention is that on 4 August this year the United Nations Conference on Straddling Fish Stocks and Highly Migratory Fish Stocks, which had been meeting for three years, reached the Agreement for the Implementation of the Provisions of the United Nations Convention on the

Law of the Sea of 10 December 1982 relating to the Conservation and Management of Straddling Fish Stocks and Highly Migratory Fish Stocks. The Agreement has been open for signature since yesterday, 4 December 1995.

This Agreement will have an important impact on the conservation and management of marine fishery resources, especially biological resources of the high seas. We believe that, on the whole, it is of positive significance and will play a certain positive role in the implementation of the Convention's provisions with regard to the protection and utilization of biological resources of the high seas.

At the same time, we have noted with concern that some provisions of the Agreement obviously go beyond the scope of the corresponding provisions of the Convention and contradict some basic principles of the law of the sea as stipulated in the Convention. Owing to insufficient consultations and negotiations at the Conference, reasonable views and opinions of some States that have major interests in marine fisheries failed to be duly reflected in relevant provisions. The actual implementation of these Articles may encounter many difficulties and may increase the differences and disputes between States with conflicting interests.

I should like to refer to some specific problems.

First, General Assembly resolution 47/192 explicitly requests that the work and outcome of this fisheries Conference be fully in accord with the provisions of the United Nations Convention on the Law of the Sea — especially those concerning the rights and obligations of coastal States and States fishing in the high seas. However, the Agreement that resulted from the Conference contains provisions which exceed the corresponding principles and provisions of the Convention on the Law of the Sea and of contemporary international law. I refer, for example, to exclusive jurisdiction of flag States over their ships on the high seas and to freedom of the high seas. This may cause some new conflicts and differences and may negatively affect the whole legal order of the seas.

Secondly, paragraph 1 (f) of Article 22 of the Agreement stipulates that the inspecting State shall ensure that its officially authorized inspectors

> "avoid the use of force except when and to the degree necessary to ensure the safety of the inspectors and where the inspectors are obstructed in the execution of their duties".

The paragraph continues:

> "The degree of force used shall not exceed that reasonably required in the circumstances."

As such a clause might provide a basis for the abuse of force, we are deeply concerned at the consequences that it might have in practice.

Our interpretation of this clause is that only when the safety of the inspector who is verified to have official authorization is endangered and who is obstructed in the normal conduct of inspection by violence committed by crew members or fishermen of the fishing vessel under inspection can the inspector take appropriate enforcement measures necessary to stop the violence. It should be stressed that force used by the inspector can be aimed only at the crew members or fishermen who committed violence, and must never be aimed at the ship as a whole or at other crew members or fishermen.

Thirdly, paragraph 7 of article 21 of the Agreement provides that the flag State can authorize the inspecting State to take law-enforcement actions. We believe that such an authorization involves the sovereignty and domestic legislation of States and, therefore, the authorized law-enforcement action should be confined to the mode and scope specified by the flag State's decision of authorization. Under such circumstances, the law-enforcement action by the inspecting State is the action of implementing the flag State's decision of authorization.

Finally, it is our hope that States will implement various provisions of the Convention on the Law of the Sea and its Agreements in good faith and in accordance with the principles formulated by the Convention. Only in this way can the modern international legal order of the seas established by the Convention and related Agreements be maintained. The Chinese Government is willing to continue to make its contribution in this regard.

Mr. Rosenne (Israel): I would first like to comment on the fact that the draft resolutions now before us — A/50/L.34, A/50/L.35 and A/50/L.36 — relate to two items on the agenda of this fiftieth session of the General Assembly, items 39 and 96 (c). In our statement at the 78th meeting of the forty-ninth session last year, we noted that at that session items relating to the sea had also been discussed in other organs of the General Assembly, notably the Second Committee, and that we had been among the co-sponsors of draft resolutions there adopted on drift-net fishing and on the Year of the

Ocean. We expressed the hope that what paragraph 7 of last year's resolution 49/28 termed "the unified character of the Convention" — that is, the Convention on the Law of the Sea — which is now repeated in paragraph 3 of draft resolution A/50/L.34, would be reflected in the organization of the work of the General Assembly. Dispersal of the discussion of these matters throughout the General Assembly does not, in our view, further the international concerns regarding the sea and ocean space and their resources. We are glad to see that what we had hoped would be done has been done at this session — that is, that all the major items on the law of the sea have been brought together for examination at these plenary meetings. We would like to express our appreciation to those responsible for organizing the work of the General Assembly for their attention to this superficially secondary matter.

I say "superficially" deliberately. Experience is showing the accuracy of what the Convention on the Law of the Sea acknowledges in its preamble, that the problems — and that means all the problems — of ocean space are closely interrelated and need to be considered as a whole. For that reason, we welcome the different operative paragraphs of all three draft resolutions regarding the placing of items on the provisional agenda of the fifty-first session of the General Assembly. They lay the foundation for a unitary examination of the law of the sea and of all the related matters in the General Assembly in the future.

This need for a unitary examination of all of the problems of the sea and of ocean space is indeed well brought out in the series of reports submitted to this session by the Secretary-General. They are listed in paragraph 3 of his principal report (A/50/713), and we would express our appreciation to all those who are responsible for producing them.

What these reports together show is that since the entry into force of the Convention on the Law of the Sea, and particularly following the adoption, in resolution 48/263, of the Agreement relating to the Implementation of Part XI of the United Nations Convention, the world — and not merely the United Nations or even the broader United Nations system — has been faced with an extremely over-filled and important cornucopia of items relating to the sea and its resources and products. It has engaged a series of meetings of States Parties to the Convention on the Law of the Sea and of other instruments, of virtually each one of the specialized agencies and of other organs and organizations, and ad hoc meetings of States for a given purpose. The Secretary-General's report is an important vehicle for conveying to the world at large, and to the General Assembly in particular, the nature of current activities and their wide spread.

In this connection my delegation would like to underline paragraphs 7 and 8 of that report. It is becoming daily more essential that what has been termed "the oversight role of the General Assembly" be meaningful in terms of ensuring the integrity of the law of the sea as embodied in the 1982 Convention and its Agreements relating to its implementation. In this role, the Secretary-General's annual report, whether to the General Assembly or to the States Parties to the Convention, occupies a central position, and the report would gain in significance if it would outline suggestions for possible action, whether by States or by the United Nations and, indeed, by the whole United Nations system.

The basic pattern for ensuring the integrity of the law of the sea, as embodied in the 1982 Convention, in face of new issues was set by the Rio Conference on Environment and Development a few years ago, and that led to the Conference on Straddling Fish Stocks and Highly Migratory Fish Stocks. The Rio Conference rightly insisted that the new Conference, happily concluded yesterday, should conduct its work within the framework of the Convention on the Law of the Sea. My delegation hopes that this model will continue to be followed, and will be built on, and we consider that one of the primary tasks of the Division for Ocean Affairs and the Law of the Sea, to which we would like to express our compliments for the valuable work it is doing, is to ensure the proper input into the General Assembly to enable it to perform this oversight role properly, and proper input into these other meetings to ensure the integrity of the international regime for the seas and oceans. As the Secretary General has reported:

> "Any uncertainty as regards the choice of forum for the consideration of an issue, or duplication in the number of forums considering essentially the same issue, and any uncertainty as to the way in which issues are to be interrelated and integrated, can create new problems for international cooperation and coordination in ocean affairs. It could also cause impediments for the harmonized development of international law relating to the oceans." *(A/50/713, para. 7)*

I would say that more is involved than the harmonized development of international law relating to the oceans — more than the law. As the preamble to the Convention states, what is involved is the strengthening of international peace, security, cooperation and friendly relations among all nations, in conformity with the principles of justice and equal rights, to promote the economic and social advancement of all peoples of the world.

The eighth preambular paragraph of the main draft resolution (A/50/L.34), notes quite properly the importance of the annual consideration and review by the General Assembly of the overall developments pertaining to the implementation of the Convention, as well as of other developments relating to the law of the sea and ocean affairs. We welcome this reaffirmation. For this reason, like other delegations, we have to express our very grave concern at the fact that this year the Secretary-General's report, document A/50/713, which is dated 1 November 1995, was distributed only yesterday, 4 December, when many of us were engaged in the closing session and signature of the Agreement on straddling fish stocks and highly migratory fish stocks, or on other matters arising in this session of the General Assembly. This annual consideration and review by the General Assembly is the occasion for the representatives of the various interested Governments to give expression to their Governments' views on current aspects relating to the law of the sea and ocean affairs. Even with all the miracles of modern communications, it is simply not possible for any Government to have received and studied a report 74 pages in length and to have conveyed adequate instructions to its representatives here. My delegation therefore requests that in the future arrangements be made to have the main body of the report available in good time for proper consideration to be given to it by our home authorities. If necessary, as is done in other cases, a brief addendum could be issued nearer to the opening of the debate in the General Assembly to bring the material up to date.

We have noted the increase in the number of States which are parties to the Convention, and have heard with appreciation that more important maritime States are well advanced in their processes of ratification or accession, as required. The process, however, is slow. As I indicated last year, the considerations which generated our earlier attitude towards the Convention have very largely been dissipated, and we are now well advanced in our examination of the Convention for the purpose of our accession to it. I hope that we will be able to announce our conclusion in the near future.

We have noted with interest and approval the efforts made by Ambassador Nandan of Fiji in the various activities in which he has been engaged during the last 12 months, including his chairmanship of the United Nations Conference on Straddling Fish Stocks and Highly Migratory Fish Stocks, and we were very pleased to have been able yesterday to sign the Agreement adopted at that Conference. My authorities hope to be able to ratify this important Agreement relatively soon. We have also noted with appreciation the important work that has been achieved under his direction at the various sessions of the Meeting of States Parties to the United Nations Convention on the Law of the Sea, connected with the initial work in organizing the elections for the International Tribunal for the Law of the Sea, the initial inaugural work for that Tribunal, and preparations for the election of the members of the Commission on the Limits of the Continental Shelf. It is important that the organs established by the Convention be set in place as rapidly as possible.

On the thorny question of the languages of the Tribunal, we share the views of those delegations which would have preferred a new approach reflecting more the language usages of the United Nations. We are not satisfied with the language rules as they have been set out in paragraphs 19 (d), (e) and (f) of the Secretary-General's report. At the same time, we appreciate that the principle of cost-effectiveness applicable to the Tribunal prevented more from being achieved at this juncture. We hope that any delay in this matter is only temporary.

We have noted that some of the professional legal journals continue to express doubts as to the need for this new Tribunal. Our delegation, at the law of the sea Conference, gave particular attention to the negotiation of Part XV and Annex VI of the Convention as well as to the relevant section, section 5, of Part XI — that is, articles 186 to 191 — and we have difficulty today in appreciating some of the criticisms that have been advanced with regard to the Tribunal. As my delegation understands it, the Tribunal may be required to perform functions which no other existing international court or tribunal can perform under its current constituent instrument. What is more, its competence has now been extended by article 31 of the new Agreement which we signed yesterday. We would like to hope that the critics of the establishment of the Tribunal would keep this aspect in mind. That is not to say that the organization of the Tribunal is perfect, or that there could not be improvements in Annex VI. But that would require

amendment to the Convention, something which cannot now be contemplated before the year 2004, in accordance with article 312 of the Convention. By that time the world will probably have accumulated sufficient experience to be able to judge whether the Conference did or did not make a mistake in including Annex VI in its present form.

The Meeting of States Parties just ended has brought to light quite a large number of unsuspected difficulties in the way of the detailed practical organization of the Tribunal so that it could be ready for any calls that might be made upon it as soon as possible after it is set in place. My delegation earnestly hopes that by the next Meeting of States Parties, in March, the way will have been opened to overcome these major obstacles.

We have also noted the difficulties that have attended the initial meetings of the Assembly of the International Seabed Authority. Here too there are major problems to be overcome. As in the case of the Tribunal, some of these difficulties can be traced to the fact that there is still an element of uncertainty about the outcome of the ratification or accession processes in several important countries, an inevitable consequence of democratic parliamentary regimes.

There is one other matter to which I have to refer. In paragraph 31 (b) of the Secretary-General's report, mention is made of the fact that one of the States of the eastern Mediterranean claims a territorial sea of 35 miles. I should recall that this claim has not gone without protest, and we would have liked the report to have noted this.

My delegation is pleased that it is now in a position to join in sponsoring each one of the draft resolutions now before this Assembly, and we would like to express the hope that they can all be adopted by consensus.

Ms. Flores (Mexico) (*interpretation from Spanish*): Mexico would like to express its appreciation to the United Nations Secretariat for the report on the law of the sea that has been introduced to the General Assembly. This very comprehensive document gives a clear and up-to-date vision of questions related to the law of the sea and ocean affairs following the entry into force of the Convention. It also highlights the challenges that the international community will have to face in the future. We believe that this document, because of its importance, should have been issued farther in advance.

We note with satisfaction that in the year since the United Nations Convention on the Law of the Sea entered into force, the number of ratifications and accessions has been growing. The aspiration to universality that we all share and that was reflected in the long, difficult negotiations, has gradually borne fruit. We hope that this aspiration will be fully realized in the near future.

Significant progress has been made in the Meetings of States Parties on the organization of the International Tribunal for the Law of the Sea. We hope that in March of next year we will be able to conclude agreements making it possible for that institution to start functioning. Mexico hopes that a truly representative Tribunal will be formed, both in geographical terms and in terms of juridical systems, and that it will be founded on a basis of cost-effectiveness.

Consultations on electing the members of the Council of the International Seabed Authority are continuing, but no agreement has yet been reached on a date. We believe that with a little will and imagination, the informal consultations that will be taking place from 6 to 8 December will lead to satisfactory results. We also hope that by March of 1996 we will have a Council established on the basis of equitable geographical distribution.

In accordance with article 76 and annex II of the Convention, the Commission on the Limits of the Continental Shelf must be established before 16 May 1996. That institution will be responsible for studying data and other forms of information presented by coastal States regarding the outer limits of the continental shelf when the shelf extends beyond nautical 200 miles and for giving scientific and technical advice to States in preparation of this data when such assistance is requested.

On a number of occasions, Mexico has expressed its interest in seeing this Commission established as soon as possible. However, we have come out in favour of deferring the election of its members so that account can be taken of the concerns expressed by States that have not yet ratified the Convention. As a result of a decision of the States parties to the Convention, the members of the Commission on the Limits of the Continental Shelf will be elected in 1997. We hope that this postponement will contribute effectively to the universality of the Convention and its institutions. We would also like to reiterate that if a State that has ratified the Convention by 16 May 1996 is affected with regard to the fulfilment of its obligations under article 4 of annex II of the Convention as a result of the postponement, then the

other States parties must review the situation in order to lessen the difficulties involved.

We would like to take this opportunity to thank the Secretariat for the services that it so diligently provided for the Assembly of the International Seabed Authority, and that it will continue to provide until the Secretary-General of the Authority can assume his functions. The support of the United Nations Division for Ocean Affairs and the Law of the Sea has been and will continue to be fundamental for the smooth development of activities related to the Convention.

The report of the Secretary-General gives an account of the many aspects to be considered since the entry into force of the Convention. We consider that at this new stage the need to bring about consistent, uniform implementation of its provisions takes pride of place. To this end, we wish to stress the need for the United Nations to continue to give technical and legal support to States — above all to developing States — to help them implement the Convention at the national level.

The consolidation of the legal regime that we have designed for the seas and oceans requires joint efforts, by all international actors, for cooperation and coordination. Mexico will remain prepared to work for this goal.

Mr. Fulci (Italy): At the outset, I would like to stress that Italy fully concurs with the statement made on behalf of the European Union by the representative of Spain.

If we wish to add our voice to that of the European presidency, it is only because 1995 has been an important, eventful and fruitful year for Italy as regards the law of the sea. On 13 January, I had the honour to deposit with the Secretary-General Italy's instrument of ratification of the 1982 United Nations Convention on the Law of the Sea and of the 1994 Agreement for the Implementation of Part XI of the Convention.

Italy's prompt ratification of these instruments is intended to signal to all, and in particular to those Member States that had become parties before that date, the continuity and constructiveness with which Italy intends to live up to its commitments. The Convention of the Law of the Sea has thus become binding treaty law for my country. The Italian domestic legal system has been modified accordingly. Even before the entry into force of the Convention, Italy had conformed to its rules, as evidenced by the regulation of transit in the Straits of Bonifacio, in full adherence to the new concept of transit passage set out in the Convention.

The new rules on the law of the sea are also guiding Italian foreign policy in this particular field. That is why Italy actively contributed to the drafting of the new Barcelona Convention and Protocols on the protection of the Mediterranean marine environment. In these instruments adopted last June, the new trends emerging in the Convention on the Law of the Sea are combined with those resulting from the Rio process, and this is why Italy has agreed to shoulder the significant financial implications of its participation in the Convention and is ready to be actively involved in the new institutions established by it — the International Seabed Authority and the International Tribunal for the Law of the Sea.

Mr. Abulhasan (Kuwait), Vice-President, took the Chair.

As was explained by the representative of Spain, it was practically impossible for Italy, as for all its European partners and for the Community itself, to sign yesterday the new Agreement on Straddling Fish Stocks and Highly Migratory Fish Stocks. We regret this, but we are convinced that the purely bureaucratic internal difficulties that prevented a prompt signature yesterday will be overcome very soon.

Mrs. Teo-Jacob (Singapore): The United Nations Convention on the Law of the Sea, which came into force on 16 November 1994, is a major achievement of the United Nations and is the culmination of tireless efforts by the international community to forge a codified law of the sea.

In the United Nations Convention on the Law of the Sea, the international community has a set of rules that will govern the freedom of navigation and other passage rights in the territorial sea, straits used for international navigation, archipelagic waters, the exclusive economic zone and high seas. These rules will furthermore promote the maintenance of international peace and security by laying down universally accepted limits on the territorial sea, the contiguous zone, the exclusive economic zone and the continental shelf. Finally, they will ensure the orderly and sustainable development of other uses and resources of the seas and the oceans.

The United Nations Convention on the Law of the Sea is now the cornerstone for the conduct of maritime relations between States. The importance of the

Convention to international law is attested to by the many subsequent treaties that have given explicit recognition to its primacy. These include the United Nations Convention against the Illicit Traffic in Narcotic Drugs, the Rio Declaration adopted by the United Nations Conference on Environment and Development, the Agreement for the Implementation of the Provisions of the United Nations Convention on the Law of the Sea relating to the Conservation and Management of Straddling Fish Stocks and Highly Migratory Fish Stocks, as well as various other regional agreements between States.

Singapore has long had an active and strong interest in maritime affairs and in ensuring the freedom of navigation and other passage rights. As a small island State situated at a major maritime crossroads linking the Indian Ocean and the Pacific Ocean, Singapore attaches primary importance to these freedoms. My delegation thus views the existence of a comprehensive legal regime such as the United Nations Convention on the Law of the Sea as a major step forward. Not only does the Convention clearly define the freedoms of navigation and other passage rights in the various maritime regimes, but it will also ensure the unimpeded exercise of these rights. We thus call on all States to ratify the Convention on the Law of the Sea as the most effective means of conducting international maritime relations.

The eventual establishment and operation of the Tribunal for the Law of the Sea by 1 January 1998 will further enhance the enforcement of the Convention on the Law of the Sea. It is our hope that the deferment of the elections to the Tribunal to August 1996 will allow the international community to ensure a more equitable representation of judges from different legal systems as well as geographic regions. With a broader legal and financial base, the Tribunal will be able to ensure the effective application of the Convention on the Law of the Sea.

Mr. **Balzan** (Malta): We have reached another important phase in the implementation process of the United Nations Convention on the Law of the Sea. The codification and progressive development of the law of the sea, through agreement by States, continues.

Malta wishes to stress the importance of achieving a balance that on the one hand caters to the need to conserve and ensure the sustainable use of straddling fish stocks and highly migratory fish stocks, and on the other hand highlights the need to safeguard the freedoms of the seas, particularly the freedom of navigation.

The achievement of the right balance between the exercise of the rights of coastal States and the long-established navigational rights of vessels flying the flag of maritime States is acknowledged by the international community and granted the importance that it deserves. These rights, enshrined in the 1982 Convention and in particular in its Part VII, safeguard the freedom of navigation and guarantee the exclusive jurisdiction of the flag States over vessels registered under their flag.

The Agreement for the Implementation of the Provisions of the 1982 Convention relating to the Conservation and Management of Straddling Fish Stocks and Highly Migratory Fish Stocks calls for more effective enforcement by flag States, port States and coastal States of the conservation and management measures adopted for such stocks. In committing themselves to responsible fishing, member States declare their resolve to improve cooperation among States in this undertaking.

International cooperation entails a genuine respect for the rights and obligations of States. Rights and obligations are intertwined, and they should serve as tools to promote and enhance such cooperation. The provisions of the Convention ensure that claims to rights must be accompanied by a willingness to shoulder the corresponding obligations and responsibilities.

The strength of any agreement is vested in the adherence to provisions and undertakings. Might has rarely, if ever, proved to be right. States have to ensure this. The muscle should be disciplined and responsible conduct on the seas. What is of import is that we provide a framework for the peaceful settlement of disputes and the prevention of the use of force in their settlement. This should serve to contribute further to the effective maintenance of international peace and security.

We have taken significant steps, but much more remains to be done. The institutional set-up is still encountering difficulties. The election of the Council is still eluding us. This delegation believes that the achievement of an agreement on this vital issue should be vigorously pursued. Failure to do so would slow down the process unnecessarily.

Malta in 1967 launched, in this forum, the concept of the common heritage of mankind, which was at the origin of the process that led to the negotiation and adoption of the United Nations Convention on the Law of the Sea. Measures by the international community that,

in defining that process, consolidate its import cannot but be viewed as a step forward in an area that is as complex as it is inhibiting for accord.

Almost three decades ago, sceptics invariably viewed such a process as ambitious, revolutionary or unattainable. Time has proved otherwise.

We have managed to create a legal framework to guide international behaviour on the seas, in full respect for the sovereign rights of States. May that far-sighted process, initiated in 1967, continue to bear fruit.

It has long been recognized by the international community that law of the sea issues were of primary political significance and importance. The report of the Secretary-General on the United Nations Conference on Straddling Fish Stocks and Highly Migratory Fish Stocks is another confirmation of this recognition.

It is our firm belief that the Convention, defined by a former Secretary-General of the United Nations as the most important achievement of the United Nations system since the San Francisco Conference, continues to strengthen this Organization. The world community has given proof in the past of its capacity to negotiate and resolve complex issues. This was particularly manifested in the negotiation of the Convention. Now, it should not fail to live up to expectations. Our delegation pledges its commitment to contribute towards the achievement of a solution to all outstanding issues.

Our delegation is proud to note and stress on this occasion that, as stated in the preamble to the United Nations Convention of the Law of the Sea,

> "the codification and progressive development of the law of the sea achieved in this Convention will contribute to the strengthening of peace, security, cooperation and friendly relations among all nations". *(A/CONF.62/122, preamble, para. 7)*

Mr. Park (Republic of Korea): At the outset, I would like to express my sincere gratitude to Ambassador Satya Nandan of Fiji for his excellent introduction of draft resolutions A/50/L.34, A/50/L.35 and A/50/L.36 and for his tireless efforts which brought about the conclusion of the United Nations Conference on Straddling Fish Stocks and Highly Migratory Fish Stocks this past August. My delegation would also like to thank Mr. Hans Corell, the Legal Counsel, and his staff in the Division for Ocean Affairs and the Law of the Sea for the various reports (A/50/549, A/50/550, A/50/552, A/50/553 and A/50/713), which have comprehensively traced the developments in the law of the sea during the past year.

Since its entry into force in November last year, 14 countries have ratified or acceded to the United Nations Convention on the Law of the Sea, bringing the total number of States Parties now to 83. While the Convention is still far from achieving universal status, I believe that the increase in the number of States Parties is an encouraging sign of the international community's growing commitment to the Convention and its purpose to build a full-fledged legal regime governing the oceans. As a considerable number of countries are expected to ratify the Convention next year, my delegation believes that the ocean legal regime will be further consolidated and strengthened.

I am pleased to take this opportunity to announce that the National Assembly of the Republic of Korea approved the ratification of the Convention on the first of this month and that my Government will soon deposit the instrument of ratification of the Convention and the Agreement relating to the Implementation of Part XI of the Convention. In addition, my Government has already begun to review existing domestic laws and regulations relating to maritime affairs in order to harmonize them with the relevant provisions of the Convention. Although the entire review process will take considerable time, my Government first enacted the Marine Science Research Act early this year with a view to harmonizing scientific research and marine environmental protection. Moreover, the revision of the Marine Pollution Prevention Act and the Territorial Sea Act is also under way in accordance with the relevant provisions of the Convention. With the ratification of the Convention, the Republic of Korea will faithfully implement its provisions and cooperate with other States Parties to strengthen their uniform application, which is of paramount importance for the maintenance of the legal order of the oceans.

In this regard, my delegation fully agrees with operative paragraph 10 of the draft resolution on the law of the sea (A/50/L.34), which places emphasis on

> "the importance of ensuring the uniform and consistent application of the Convention and a coordinated approach to its effective implementation, and of strengthening technical cooperation and financial assistance for this purpose".

I would now like to say a few words on the preparations being made to establish institutions under the Convention. First, with regard to the International Seabed Authority, my delegation has actively taken part in the deliberations in the Assembly of the Authority to make it operational as soon as possible. Despite the arduous negotiations under the guidance of Ambassador Djalal, President of that Assembly, we have been unable to reach an agreement on the composition of the Council of the Authority. It is the sincere hope of this delegation that the informal consultations scheduled to be held here in New York over the next few days will produce a satisfactory compromise.

Secondly, my delegation is pleased to note the progress made so far on the practical arrangements for the establishment of the International Tribunal for the Law of the Sea. A series of meetings among the States Parties have achieved solid results, such as setting a timetable for the election of judges and agreement on the size of the personnel of the Tribunal.

Third, regarding the Commission on the Limits of the Continental Shelf, my delegation is satisfied with the decision to defer the election of members of the Commission until March 1997, since we believe that the deferment will lead to greater universal representation on the Commission.

Turning now to fishery-related issues, the Republic of Korea is fully committed to the common endeavour of the international community to secure better conservation and management of the marine living resources for sustainable utilization. Korea has faithfully implemented General Assembly resolution 46/215 on large-scale pelagic drift-net fishing and its impact on the marine living resources of the world's oceans and seas. As we have announced on various occasions, the Government of the Republic of Korea has completely suspended all large-scale pelagic drift-net fishing as of 30 November 1992, under the Fisheries Act, which was amended on 23 March 1993 to empower the Government to take such action.

The interests of the Republic of Korea, as one of the major fishing countries, have been significantly affected by the changes in global fishing regulations. None the less, for the sake of the conservation and management of the marine living resources and of the well-being of the world community as a whole, my Government has taken drastic measures to dispose of all 139 pelagic drift-net fishing vessels to implement the provisions of resolution 46/215. Thirty-four vessels were immediately converted for other purposes by their owners on a voluntary basis, while 105 vessels were disposed of at the Government's expense; 22 vessels were converted for other purposes; 17 vessels were scrapped; 65 vessels were exported after their fishing equipment and facilities had been removed; and one vessel was returned to its foreign owner.

It may be recalled that my Government actively participated in the adoption of the Agreement for the Implementation of the Provisions of the United Nations Convention on the Law of the Sea of 10 December 1982 relating to the Conservation and Management of Straddling Fish Stocks and Highly Migratory Fish Stocks.

Since the National Assembly of the Republic of Korea has just approved the ratification of the Convention, my Government intends to formally sign the Agreement on high seas fishing as soon as the internal procedure has been completed. Moreover, in an effort to implement relevant General Assembly resolutions on unauthorized fishing in areas under the national jurisdiction of other States, my Government has pursued necessary measures to ensure that all unauthorized operations of fishing vessels are subject to stern punishment, including the revoking of the fishing licenses of operating vessels.

With regard to fisheries by-catch and discards, my delegation recognizes the importance of this issue in relation to the conservation and management of the marine living resources. However, to avoid overlapping competence among international bodies on this extremely technical and complex issue, my delegation believes that this matter should be dealt with by specialized agencies, such as the Food and Agriculture Organization of the United Nations (FAO).

Given the broad scope and complexity of the maritime issues, my delegation believes that the institutional capacity of the Organization should be enhanced continuously to provide States and international organizations with the assistance necessary to ensure the uniform and consistent application of the Convention and the two implementation Agreements. In this regard, my delegation welcomes the new efforts of the Division for Ocean Affairs and the Law of the Sea to set up a database containing up-to-date information on national legislation pertaining to the law of the sea and other matters. My delegation is confident that such efforts will greatly facilitate the work of States in implementing the Convention and the two implementation Agreements.

In concluding, the Republic of Korea reaffirms its full commitment to the global efforts to consolidate a new public order of the oceans, which has a critical bearing on the future of mankind. An integral part of our efforts in this regard is the strengthened conservation and management of marine resources for their orderly development and sustainable use — an area in which the international community has achieved substantial progress. It is our firm belief that we should work together as partners for the success of these endeavours.

Mr. Anderson (United Kingdom): The representative of Spain has spoken on behalf of the European Union. My delegation fully endorses his statement and we wish to add some brief remarks on behalf of the United Kingdom about the reports of the Secretary-General on the law of the sea.

As is mentioned in paragraph 200 of the report of the Secretary-General in document A/50/713, there was held in London at the end of last week an International Workshop on Environmental Science, Comprehensiveness and Consistency in Global Decisions on Ocean Issues. My Government was pleased to organize and co-chair Workshop, in collaboration with the Government of Brazil, and we are most grateful to our Brazilian colleagues for their cooperation in the Workshop. It was organized as part of the preparations for next year's work on the oceans which is to be undertaken by the Commission on Sustainable Development. There were gathered together in London many eminent speakers from different countries, including representatives from non-governmental organizations. They stressed the importance of the Convention on the Law of the Sea as an essential framework for the regulation of all aspects of ocean affairs. They stressed the value of the Secretary-General's annual report on the law of the sea, which we are discussing this afternoon. The report does indeed represent the best annual review of developments in maritime affairs throughout the United Nations system.

Many speakers at the Workshop stressed the importance of this annual debate. Now that the differences which existed in the late 1980s over the problem of Part XI of the Convention have been resolved satisfactorily, we have the opportunity to use this debate, on the basis of the Secretary-General's report, in order to focus on the state of the oceans, the health of the oceans, and to consider globally the effective and universal application of the Convention. There is value, my delegation considers, in conducting this annual stock-taking of the state of the oceans and the state of the Convention.

A clear need was seen at the Workshop for even closer coordination of the work of the United Nations itself and the various United Nations agencies. The work of the Administrative Committee on Coordination's Subcommittee on Oceans and Coastal Areas should be made more effective, as should the work of the Group of Experts on the Scientific Aspects of Marine Environmental Protection, more often known by the acronym GESAMP. It was, of course, GESAMP that inspired the definition of the word "pollution" which appears in article 1 of the Convention. These existing institutional arrangements need to be constantly reviewed in the light of the principles adopted at the United Nations Conference on Environment and Development in Rio in 1992, as well as in the light of the Convention on the Law of the Sea and now its two implementation Agreements.

A strong theme at the Workshop was the need to follow the holistic approach when taking decisions — whether at the national, regional or global levels — about all matters affecting the oceans. The Workshop also recognized the importance of adopting the precautionary approach on a wide basis.

My delegation would like to endorse these various suggestions which were put forward at the recent Workshop. There is a need to raise public awareness of all the various issues affecting the state of the oceans. We would also like to underline the valuable coordinating role played by the United Nations Secretariat, in particular the Division for Ocean Affairs and the Law of the Sea and the valuable role of the Secretary-General's report in bringing together a wealth of information from diverse sources about developments to do with oceans affairs and the law of the sea during the past 12 months. The report also helps to inform the present debate. My delegation would like to thank the Secretary-General for this year's report. We look forward to studying it further. We would like to entertain the hope that in future years the report will be available well ahead of its consideration by the Assembly.

I turn now to the draft resolution on the law of the sea in document A/50/L.34, which my delegation is pleased to co-sponsor. Paragraph 1 calls upon States that have not yet done so to become parties to the Convention and to the Agreement relating to the Implementation of Part XI of the Convention in order to achieve the goal of universal participation. Intensive preparatory work is under way in the United Kingdom with a view to acceding to the Convention and ratifying the

implementation Agreement shortly. We have reached an advanced stage in our preparatory work. It is planned now to invite Parliament early in the New Year to consider proposals to confer the necessary privileges and immunities on the International Seabed Authority and the International Tribunal for the Law of the Sea. It is also proposed to take new powers to implement Part XII concerning the protection and preservation of the marine environment.

We endorse paragraph 10 of the draft resolution, on the need to ensure uniform and consistent application of the Convention. In this connection, we are grateful for the work of the Legal Counsel and his staff in the Division for Ocean Affairs and the Law of the Sea in assisting in this process. We note with particular interest paragraph 45 of the Secretary-General's report, about the computer-generated information system on marine legislation. We congratulate the Division on providing us with this new opportunity to surf the Internet, something that seems entirely appropriate on matters pertaining to the sea.

My delegation was pleased, in last year's debate on this item, to mark the adoption of last year's implementation Agreement and the entry into force of the Convention last November by making a contribution to the Hamilton Shirley Amerasinghe fellowship programme. As a result, a lawyer from the Seychelles is currently undertaking a course of study in the legal aspects of the exclusive economic zone at the Research Centre for International Law at the University of Cambridge.

This year has seen the successful adoption in August and the opening for signature yesterday of the Agreement for the Implementation of the Provisions of the United Nations Convention on the Law of the Sea of 10 December 1982 relating to the Conservation and Management of Straddling Fish Stocks and Highly Migratory Fish Stocks. In order to mark the adoption of this second important implementation Agreement, my Government has decided to make a second contribution to the fellowship programme for the coming year. We hope to be able to welcome another fellowship holder to a British academic institution for a suitable course of study in some aspect of the law of the sea.

Turning to the second draft resolution (A/50/L.35) before the Assembly today, my delegation would like to thank the Secretary-General for his report in document A/50/550, on the straddling stocks Conference. We would like to pay a particular tribute to the untiring efforts of the Chairman of the Conference, Ambassador Satya Nandan, in guiding the negotiations during the six sessions over three years, and especially for his untiring efforts during the final session in August. We would also like to thank the Secretary-General for his report on unauthorized fishing in zones of national jurisdiction. In our own experience, this remains a problem, especially where enforcement capability at sea is lacking, as is often the case. In regard to the conservation of highly migratory stocks, my delegation is pleased to announce that the United Kingdom has recently joined the International Commission for the Conservation of Atlantic Tunas (ICCAT). Our membership of ICCAT extends additionally to Anguilla, Bermuda and the Turks and Caicos Islands, all of which are very interested in tuna fishing in their 200-mile zones.

My delegation is pleased to support all three draft resolutions under consideration in today's debate.

Ms. Yorac (Philippines): Thank you, Sir, for honouring my delegation with this opportunity to speak at this plenary meeting on issues relevant to the United Nations Convention on the Law of the Sea. We express our appreciation to the Secretary-General for his detailed supervision of the progress in the implementation of the Convention, and to the Division for Ocean Affairs and the Law of the Sea of the Office of Legal Affairs for its valuable services to the States parties and signatories.

We have before us three draft resolutions, which the Philippines fully supports as an indication of its strong adherence to the goals of the Convention, namely, to establish:

> "a legal order for the seas and oceans which will facilitate international communication, and will promote the peaceful uses of the seas and oceans, the equitable and efficient utilization of their resources, the conservation of their living resources, and the study, protection and preservation of the marine environment". (*A/CONF.62/122, p. 1*)

The Philippines is among the States that ratified the Convention within a few years of signing it on 10 December 1982 in Montego Bay, Jamaica. It ratified the Convention on 8 May 1984.

The Philippines is a unique configuration of more than 7,100 islands forming an archipelago. Generations of Filipinos have therefore been brought up with the concept of the Philippines as an island-studded body of water. This concept has found its way into our Constitution and other national legislation. We value this

legacy on the Philippine archipelago, while we remain conscious of our obligations under customary and conventional international law. The Government and people of the Philippines now face the challenge of harmonizing national legislation with the provisions of the Convention. We are in the process of doing this. The Philippine national marine policy provides the framework for this difficult task. We will need sufficient time to complete it.

We see the draft resolution on the law of the sea (A/50/L.34) as a capsulized report on the status of the Convention since its entry into force on 16 November 1994. There has been significant progress towards universal application. We recall the consensus among States parties and signatories to the Convention on the establishment of the regime for deep-seabed mining. States parties have taken steps to establish the institutions of the Convention: the International Seabed Authority and the International Tribunal for the Law of the Sea. The meeting of States parties last week reviewed the draft budget of the Tribunal, guided by the generally accepted principle of cost-effectiveness, and considered the draft agreement on the immunities and privileges of the Tribunal.

The many years of preparatory work for the establishment of the Tribunal speak of the commitment of States parties to institutionalizing a system for the legal settlement of disputes under the Convention. States parties look to the Tribunal as the instrument to enforce a new world order founded on the rule of law on the uses of the seas and ocean space.

The Assembly of the Authority has begun the more difficult task of forming the Council, in the hope of overcoming the main obstacles to its formation at the second session next year in Kingston, Jamaica. We also note the efforts of States parties to align the Convention with regional and global action on the protection of the marine environment and the conservation of living marine resources. But, most especially, we note the encouraging increase in accessions to the Convention through ratification or acceptance of the Agreement relating to the Implementation of Part XI of the Convention.

As we all move towards the universal application of the Convention, let us always keep our sights on its vision, which is clearly stated in its fifth preambular paragraph:

> "the realization of a just and equitable international economic order which takes into account the interests and needs of mankind as a whole and, in particular, the special interests and needs of developing countries, whether coastal or land-locked". (*ibid.*)

The Philippines therefore stands for a fair and equitable sharing of the opportunities and the balancing of inclusive and exclusive interests under the Convention. For this reason, my delegation reiterates its support for the draft resolutions before the Assembly at this 81st plenary meeting.

In draft resolution A/50/L.34, we reaffirm

> "the importance of ensuring the uniform and consistent application of the Convention and a coordinated approach to its effective implementation, and of strengthening technical cooperation and financial assistance for this purpose". (*A/50/L.34, para. 10*)

We also lend our voice to the request for

> "the Secretary-General to ensure that the institutional capacity of the Organization adequately responds to the needs of States and competent international organizations by providing advice and assistance, taking into account the special needs of developing countries". (*ibid, para. 11*)

On the draft resolutions pertaining to the sustainable use and conservation of the marine living resources of the high seas, the Philippine Government, through the Cabinet Committee on Maritime and Ocean Affairs, fully supports the principles and objectives of the draft Agreement for the Implementation of the Provisions of the United Nations Convention on the Law of the Sea of 10 December 1982 relating to the Conservation and Management of Straddling Fish Stocks and Highly Migratory Fish Stocks. I recall the statement of the Philippine delegation on 4 August 1995 that the United Nations Conference on Fisheries achieved a clear balance between the noble objectives of ensuring the long-term conservation and sustainable use of straddling fish stocks and highly migratory fish stocks and the existing basic rules by which nations relate to each other.

The Philippines notes that the Agreement places upon the flag States the primary jurisdiction in respect of control of and responsibility for their vessels and the task of making their high- seas fishermen responsible users of the marine resources.

The Agreement was opened for signature yesterday, and we are pleased to note the significant number of States that signed the document, as well as the Final Act of the United Nations Conference on Straddling Fish Stocks and Highly Migratory Fish Stocks.

The Philippines expects to join the list of signatories to these documents upon completion, early next year, of the public consultations being conducted by the Philippine Government with the fishing industry and other concerned sectors on the provisions of the Agreement. The Philippines must complete the internal and technical procedures before signing these documents — especially the Agreement. However, I should like to reiterate the full support of the Philippines for the conservation and management principles espoused in the Convention and the Agreement.

It is with the same objective that the Philippines joins other delegations in their support for the draft resolution (A/50/L.36) on large-scale pelagic drift-net fishing and its impact on the living marine resources of the world's oceans and seas; unauthorized fishing in zones of national jurisdiction and its impact on the living marine resources of the world's oceans and seas; and fisheries by-catch and discards and their impact on the sustainable use of the world's living marine resources.

In particular, the Philippines endorses the call on development assistance organizations to make it a high priority to support, including through financial and/or technical assistance, efforts of developing coastal States, in particular the least developed countries and the small island developing States, to improve the monitoring and control of fishing activities and the enforcement of fishing regulations.

The Philippines is in the process of implementing a monitoring, control and surveillance system, which will allow the Philippine authorities to implement effectively, and to monitor the enforcement of, fisheries laws and regulations within areas under national jurisdiction. The Philippines expresses its appreciation to Canada for its assistance in completing the project study on this system. My delegation calls for similar cooperative ventures to ensure the sustainable use of the world's living marine resources.

In conclusion, I should like to reiterate our support for the decision to bring the draft resolution under consideration to the attention of all members of the international community, including intergovernmental and non-governmental organizations, and to include its subject-matter in the provisional agenda of the General Assembly at its fifty-first session.

Ms. Wong (New Zealand): New Zealand fully endorses the statement made earlier, on behalf of the 16 members of the South Pacific Forum, by Papua New Guinea, the present Chair of the Forum.

The year 1995 was a truly momentous one for the United Nations Convention on the Law of the Sea. At a time when around the world many key fish stocks have either completely collapsed or are under serious threat, the adoption of the Agreement for the Implementation of the Provisions of the United Nations Convention on the Law relating to the Conservation and Management of Straddling Fish Stocks and Highly Migratory Fish Stocks was an important milestone. It bodes well for both the Convention and the United Nations system. We owe a debt of gratitude to the Chair of the Conference, Satya Nandan of Fiji, and to his bureau for the direction and leadership that they provided in the development of the Agreement.

The new Agreement elaborates the conservation and management rules of the Convention aimed at ensuring the long-term sustainability of high-seas fisheries. Its emphasis on applying the precautionary principle to conservation and management decisions and on the need for better data collection and dissemination is welcome and long overdue.

The Agreement sets out requirements that subregional and regional fisheries organizations and arrangements need to follow in determining conservation and management measures. Its compulsory dispute-settlement provisions, based on those in part XV of the Convention, provide additional safeguards in the event that these measures are not appropriately implemented. The Agreement is not limited to high-seas areas; it sets out specific requirements that States have to meet in their exclusive economic zones and in adjacent high-seas areas.

New Zealand welcomes the strengthened commitment that coastal States and States fishing on the high seas have made — reflected in the provisions of the Convention — to improve the status of essential fisheries resources, both through agreed conservation measures for high-seas areas and through the exercise by coastal States of responsible management of the sovereign resources within their exclusive economic zones.

Most of the provisions of the Agreement had received general consensus by the beginning of this year. The main exception in this regard related to the provisions on enforcement. The final outcome on this issue is reflected in article 21, which provides for a narrow exception to the general rule that only the flag State can take enforcement action. Any member of the relevant regional organization or arrangement can board and inspect vessels fishing in high-seas areas covered by such organizations or arrangements. But if a violation is discovered the emphasis throughout remains on getting the flag State to take the necessary action. In what we hope will be rare instances, where the flag State is unwilling or unable to take the necessary action, the inspecting State can take a limited range of enforcement action. But a number of requirements and safeguards are set out to ensure that the inspection and enforcement powers are exercised in a reasonable and responsible manner, and not abused.

In the interests of ensuring more effective conservation and management of high-seas resources, these provisions on enforcement break significant new ground in international law. We emphasize, however, that the Agreement none the less remains fully consistent with the United Nations Convention on the Law of the Sea. Article 92 of the Convention envisages that exceptions to the general principle of flag-State responsibility can be made in the context of international agreements providing for exceptional circumstances. If a flag State completely disregards its responsibilities to investigate and enforce compliance with conservation and management measures, that will constitute the very sort of exceptional circumstance envisaged in article 92.

New Zealand has never shared the opinion, aired at various times during the negotiations, that an enforcement regime allowing for action by States other than the flag State is inconsistent with the United Nations Convention on the Law of the Sea — quite the contrary. It is important to underline that the cornerstone of the Agreement remains the effective exercise by the flag State of its responsibilities and obligations. The new Agreement provides a much needed incentive to ensure that this is the case.

Now that the Agreement has been finalized and was signed yesterday by some 26 States, including New Zealand, it is imperative that it be brought into force internationally without delay. New Zealand recommends early signature of the Agreement and ratification by all States, without exception, at the earliest possible date. We believe that the new Agreement, as an elaboration of certain provisions of the Convention, will serve to strengthen the importance of the Convention as a whole. It should be accorded the same overwhelming support as we now see in the case of the Convention itself.

When we meet again for this debate next year we will have an opportunity to consider the status the Agreement has achieved in the intervening period. We very much hope that by then the Agreement will be well on its way to being in force and will already be the subject of widespread provisional application.

I turn now to the Law of the Sea Convention itself. New Zealand has always considered the Convention to be of fundamental importance to our economic prosperity and security. Within a relatively short time since the successful conclusion of the part XI Agreement, indications are that the Convention will soon represent one of the most widely ratified instruments ever developed by the international community.

For its part, New Zealand hopes to ratify the Convention early next year, following the passage of some remaining legislative amendments designed to provide for the establishment of a contiguous zone and to implement in domestic law the relevant provisions of the Convention relating to enforcement of decisions of the Tribunal and the Seabed Disputes Chamber. Other provisions of the Convention requiring domestic legislative implementation have been part of New Zealand law for well over a decade. Ratification of the Convention will enable us to participate fully in the various bodies established to oversee the implementation of the law-of-the-sea regime of the Convention, including, we hope, membership of the Commission on the Limits of the Continental Shelf.

It is time to see the Secretary-General of the International Seabed Authority elected. Members of the Assembly have a legitimate role to play in this, as in other major issues relating to seabed mining, such as environmental protection. Continuing delay among the States jockeying for membership of the Council of the International Seabed Authority must not remain an impediment to the appointment of the Secretary-General. We look forward to the election taking place in Kingston next March.

The annual debate in the Assembly will continue to be an invaluable opportunity to review comprehensively progress made on the implementation of the Convention and associated agreements, such as the new Agreement on straddling and highly migratory fish stocks. It will

remain a priority for the Secretary-General to continue his reports on all developments in the law-of-the-sea area in a comprehensive way and in a manner highlighting any difficulties or areas of concern.

In this regard, I should like briefly to note the Secretary-General's report on large-scale pelagic drift-net fishing. In our region, drift-net fishing appears to have stopped, and we express gratitude to the fishing States that have acted to bring drift-net operations to an end in the South Pacific in cooperation with New Zealand and other countries of the region.

But we are again concerned to note that the Secretary-General's report indicates that in some parts of the world implementation of the global moratoriums endorsed by the Assembly since 1989 is not yet complete. We must continue closely to monitor all developments in this regard. The regular reporting to and consequential reports of the Secretary-General are an important tool in this regard. We place importance on the continuation of his practice of inviting States and international governmental and non-governmental organizations to contribute information for the reports requested in the draft resolutions to be adopted today, all of which New Zealand has co-sponsored. We thank the Secretariat and the Office for the Law of the Sea for their efforts in this regard.

But the fact remains that the failure by some States effectively to implement consensus resolutions of the Assembly raises real questions about the seriousness and importance they attach to implementation of the results achieved within this Organization. We hope next year's report on drift-net fishing will provide information that there is full international compliance with the global moratoriums.

Mr. Horiguchi (Japan): My delegation is pleased that the United Nations Conference on Straddling Fish Stocks and Highly Migratory Fish Stocks has successfully discharged its mandates by adopting the Agreement for the Implementation of the Provisions of the United Nations Convention on the Law of the Sea of 10 December 1982 relating to the Conservation and Management of Straddling Fish Stocks and Highly Migratory Fish Stocks. The Agreement aims at conserving these two types of fish stocks and preventing international conflicts over their fishing on the high seas. In this connection, my delegation wishes to pay special tribute to the Chairman of the Conference, Ambassador Satya N. Nandan, for his untiring efforts to lead the negotiations to a successful conclusion. Without his patience and persistence, this Agreement would not have been concluded.

The Agreement sets out the principles on which the conservation and management of the fish stocks must be grounded and establishes that such management must be based on the best available scientific information. It reaffirms that primary responsibility resides with the flag State for the conservation and management of these fish stocks, and gives prominence to the role of subregional or regional fisheries management organizations in strengthening international cooperation for the implementation of measures designed to conserve and manage them.

One of the cornerstones of the Agreement is the provision to ensure the compatibility of conservation and management measures in high seas and waters under national jurisdiction. The fact that the legal status of the high seas and that of the waters under national jurisdiction are different and that straddling fish stocks and highly migratory fish stocks live and move around in these two legally different areas creates difficulties with regard to conservation and management. The only workable solution is to promote close cooperation between the countries concerned based on this new Agreement.

Coastal countries and distant-water fishing countries do not always have the same interests or share the same views. However, there is one thing that may well unite us all, and that is our common desire to find a way to achieve sustainable utilization of fish resources. This will not be easy to accomplish. However, it is an absolute necessity if the world's growing population is to avoid a food crisis. Living marine resources should be utilized on a sustainable basis under the conservation and management regime to be set by this Agreement.

Although my Government was unable to sign the Agreement at the signing ceremony yesterday, as the necessary internal procedures have not yet been completed, it is considering the possibility of doing so at a later stage.

This Agreement, together with the Code of Conduct for Responsible Fisheries adopted under the auspices of the Food and Agriculture Organization, provides a strong basis for achieving sustainable use of marine living resources in the world's oceans and seas.

I should like to conclude my statement by assuring the Assembly that Japan is firmly committed to conserving and managing the fish stocks in accordance with the principles enunciated in the Agreement.

Mr. Pálsson (Iceland): This year, the fiftieth anniversary year of the United Nations, the achievements of the Organization in the area of international law have once again been brought into focus. I refer primarily to the adoption in August of the Agreement on Straddling Fish Stocks and Highly Migratory Fish Stocks, following the entry into force of the United Nations Convention on the Law of the Sea in November of last year.

Traditionally, the law of the sea has been the sphere of United Nations activities in which Iceland has been most engaged, beginning in 1949 when, upon a proposal by Iceland, the International Law Commission was given the task of studying all aspects of the law of the sea. Iceland, this year, is among the sponsors of two of the three draft resolutions before the Assembly: draft resolutions A/50/L.34 and A/50/L.35. Both reflect substantial achievements and are especially welcomed by States such as Iceland, which depend on the living resources of the sea for their livelihood.

As regards the United Nations Convention on the Law of the Sea, Iceland is pleased to note that important steps have been taken towards its implementation, including the organization of the work of the International Tribunal for the Law of the Sea.

The Agreement on Straddling Fish Stocks and Highly Migratory Fish Stocks, signed yesterday by Iceland and some 24 other States, will be an important tool for achieving better fisheries management. In stressing the importance of this Agreement, we do not have in mind only better economy resulting from improved management of resources. Marine living resources can make an important contribution to food security in a world faced with rapid population growth. Such resources provide food and livelihood to millions of people and, if used in a sustainable manner, can offer increased potential to meet nutritional and social needs, particularly in developing countries, as noted in a recent report of the Food and Agriculture Organization of the United Nations. In this connection, Iceland welcomes the initiative of Japan to host an International Conference on the Sustainable Contribution of Fisheries to Food Security, being held in Kyoto from 4 to 9 December 1995.

Clearly, the ability to satisfy global demand for food from the sea in the coming years will depend to no small extent on the adoption of responsible fisheries conservation and management policies. We should at all times view the ecosystem of the oceans as a whole and should harvest all species of this vast but delicate resource in a sustainable manner.

However, in order to maximize the contribution that marine living resources can make to food security we cannot make do with simply reviewing management systems. We must also address losses caused by restrictive trade, State aid and all manner of anti-use ideologies that impede the rational use of marine living resources. Otherwise, it is doubtful whether humankind will ever be able to reap the full benefits of the sustainable utilization of such resources. Looked at in this light, the results of the Conference on Straddling Fish Stocks and Highly Migratory Fish Stocks, while by no means the final word on this matter, acquire major significance. Iceland is confident that a growing number of States will soon sign the Agreement adopted at that Conference.

In conclusion, allow me to say a word about another area of major concern for societies that base their livelihood on the living resources of the sea. I refer to pollution of the marine environment, in particular the threat from chemical pollutants in the form of persistent organic substances. My country has long been firmly of the view that this threat can be countered only through a global and legally binding framework. For this reason, my Government especially welcomes the Declaration on the Protection of the Marine Environment from Land-based Activities and the Global Programme of Action adopted on 1 November at the Washington Intergovernmental Conference to Adopt a Global Programme on that matter.

The results of the Washington Conference, combined with the conclusion of the high-seas Agreement I spoke of earlier, demonstrate the important contribution the United Nations can make in an area of vital concern to humankind. Iceland is convinced that the gains that have been made this year will also provide a solid foundation for future work.

Mr. Laing (Belize): The delegation of Belize is happy to participate again in the Assembly's annual debate on the law of the sea. Since Belize was the eighth State to ratify the United Nations Convention on the Law of the Sea, we are encouraged that the pace of

ratifications is accelerating. It is no small comfort to our authorities, as well, that yesterday Belize and other States signed the Agreement on Straddling Fish Stocks and Highly Migratory Fish Stocks. This represents a further giant step on the road to the deepening of the law of the sea, and we extend our thanks for their efforts tc the President of the United Nations Conference on Straddling Fish Stocks and Highly Migratory Fish Stocks, His Excellency Mr. Satya Nandan, and to the members of the Secretariat who were involved in that exercise.

Our main regret is the delay in concluding the process of selecting the Council of the International Seabed Authority. We look forward to the early conclusion of that process.

Despite that delay, we can all properly take pride in this process of institution-building and of regulation, which of late has been intensifying. We note from the Secretary-General's report on the law of the sea (A/50/713) that the Secretariat has established machinery for the deposit, recording and publicity of charts and geographical coordinates. During the period covered by that report and by several other reports before us today, a broad range of countries and organizations has been monitoring and facilitating compliance with the resolutions and decisions on large-scale pelagic drift-net fishing, unauthorized fishing in areas under national jurisdiction and fisheries by-catches and discards. This institution-building is highly conducive to the development of stability and predictability in international maritime relations. Stability, predictability and development are also much facilitated by the functional symbiosis that is taking place between the physical sciences and the policy and normative sciences.

At the same time, the legal regime develops apace, as experts learn simultaneously to apply multiple sets of norms from such diverse areas as commercial law, civil law, environmental law, international economic law, the law of the sea, public and private international law and mining law.

Other positive developments have included the recent Waigani Convention on hazardous and radioactive wastes concluded by many of the Pacific States. Recently, many Caribbean States also firmly reiterated their policy against shipments of nuclear waste through their waters. My delegation is also favourably impressed by the discovery of many formerly unknown biological species in the ocean depths and by investigations into possible new remedies for human diseases, as indicated in the Secretary-General's report.

We now read about proposals before the International Maritime Organization (IMO) for compulsory insurance of ships in connection with the discharge of oil. This, along with the "polluter-pays doctrine" and similar ideas, must be carefully investigated. So must the possibilities of autonomous revenues from scientific discoveries and, of course, mineral resources in the area of the international seabed.

In relation to the Commission on the Limits of the Continental Shelf, the International Tribunal for the Law of the Sea and other activities under the 1982 Convention, it might be well worth while to explore possibilities of external financing, in view of the interrelationship between the law of the sea and the environment and in the light of the precondition — compliance with or participation in international treaties relating to the environment, such as the 1982 Convention — to some loans imposed by some major lending institutions.

Perhaps such relevant international agencies should help pay for activities under the Convention which, in fact, contribute to the preservation of the environment. We would recommend that this matter be explored in the long term. If it is possible that there can be new sources of ostensibly external financing for the various institutions for the law of the sea, then we might increasingly expect that the institutions and the less advantaged States will receive assistance for surveillance activities in the vast ocean spaces. Surely the global policing of the smuggling of aliens, narcotics trafficking, terrorist movements, pollution and unauthorized fishing should be a shared endeavour, in respect of financing.

My delegation regretfully makes these suggestions because the waters of this planet are an enormous shared resource, no part of which is truly owned by any single State. We make these suggestions also because, with each passing year, we believe the evidence is accumulating that the global order of the oceans is being greatly strengthened through cooperation, as disputes are submitted for third-party settlement, as land-locked States enter into accords with more fortunate neighbours and as the law of the sea becomes a tangible reality.

Mr. Eitel (Germany): I hope to please you, Mr. Acting President, and my colleagues here in the Assembly Hall by being very brief.

Let me begin by saying that as a member of the European Union, Germany fully endorses the joint

statement presented earlier by the representative of Spain on behalf of the European Union. That joint statement made reference to the progress being made in setting up the institutions and organs created by the Convention.

In this context, Germany, as a sponsor of the draft resolution (A/50/L.34) on the law of the sea and as the host country for the International Tribunal for the Law of the Sea, would like to note particularly that we are pleased that the Secretariat has been taking steps in making practical preparations for the establishment of the Tribunal. This has been done in close consultation with, and with the support of, the competent German authorities. We wish to encourage the Secretariat to continue the process of preparation for the Tribunal, in accordance with the mandate given under resolution 49/28 of last year.

Germany will fulfil its part in that process.

Mr. Ostrovski (Russian Federation) (*interpretation from Russian*): Today we have three draft resolutions before us.

We intend to support draft resolution A/50/L.34, because it is aimed at supporting, developing and strengthening cooperation between States in respect of the law of the sea.

Just recently we had a rather unfavourable situation, which might even be described as a deadlock, as regards cooperation in this sphere, because participation in the United Nations Convention on the Law of the Sea had taken on a unilateral character, and there was no chance to make that instrument universal. As is well known, measures were taken to ensure conditions conducive to the universality of our Convention, and there is no need in this Hall to dwell on those measures.

Inasmuch as the draft resolution is based on new realities, we find it essential to support it. However, our support does not mean that we agree with those provisions of the resolution that may be construed as support for earlier decisions on financial issues. The fact is that, in accordance with the Convention, the International Seabed Authority, the International Tribunal for the Law of the Sea and other organs were established. Even though the Agreement relating to the implementation of Part XI of the Convention stipulates that States should approach the solution of these issues in a spirit of strict economy, we note, unfortunately, that the projected expenditures for the establishment of the International Seabed Authority and the Tribunal are clearly high.

The most important aspect on which we cannot agree — nor do we think we should — relates to decisions proposing that expenditures come from the United Nations budget. We find this to be incorrect in principle, and we drew attention to that when the relevant decision was taken on the International Seabed Authority. The Convention clearly indicates that the costs are to be borne by the parties to the Convention and by the Seabed Authority, the Tribunal and the whole range of other bodies that are to be established under that Convention.

Consequently, they tried to tell us to consider the establishment of the Seabed Authority as an exception. But now we see that this exception is being used as a precedent, and people are saying: "Let us finance the Tribunal from the United Nations budget as well." It is not just that the United Nations budget is not made of rubber, but that this common practice is enshrined in the Convention itself, and the States that have ratified the Convention have assumed responsibilities that include the provision that the maintenance and operation costs incurred by the bodies established under the Convention should be borne by the States parties to the Convention.

We view draft resolutions A/50/L.35 and A/50/L.36 in the context of the fisheries Conference that ended with the opening for signature of the corresponding Agreement, about which much has been said here today. It seems to us that at that Conference it was possible to assess the current condition of world fisheries, diagnose their problems and draw up recommendations aimed at solving fishery problems, as addressed in the Agreement.

We believe that at the critical moment when the destiny of the Conference was decided, States were bold enough to embark on the difficult course of achieving the compromise and well-thought-out solutions which were the key to the Conference's success. By integrating the approaches of different States, the Agreement opens the door to increased cooperation aimed, *inter alia*, at ensuring the stable development of fisheries, which is undoubtedly in the interests of the entire world community.

The Agreement, by incorporating the recognition given in recent years to the new principles and norms of the law of the sea, represents yet another extremely important landmark in the establishment of rules for civilized relations among peoples. We believe that this Agreement should provide protection against unauthorized fishing — in other words, the plundering of the world's resources with disregard for one's neighbour's interests

and selfishness with regard to future generations. That is why we attach great significance to this Agreement, which the representative of the Russian Federation signed yesterday.

One urgent task before us today is the speedy introduction into fishing practice of the standards which were generally recognized at the Conference and which are reflected in this Agreement. We are pleased to note that the drawing up of the Agreement proved to be an incentive for progress on these issues. The Government of Russia, in its practical activities, is already basing its policies on the provisions of the Agreement and intends to apply them to resolving the very difficult fishery problems that arise around our shores.

When we weigh the results of the Conference, it is crucial to note the importance of the continued consideration, within the United Nations framework, of matters related to marine resource management. We recall that the stimulus provided by the General Assembly made it possible to begin work in this sphere — work whose successful outcome has been referred to by many representatives in statements delivered from this rostrum. We trust that further active efforts in this direction by the United Nations will continue, and therefore we will support draft resolutions A/50/L.35 and A/50/L.36 on this issue.

The Acting President: We have heard the last speaker in the debate on this item.

We shall now proceed to consider draft resolutions A/50/L.34, A/50/L.35 and A/50/L.36.

Before calling on the representative of Turkey, who wishes to speak in explanation of vote before the voting, may I remind delegations that explanations of vote are limited to 10 minutes and should be made by delegations from their seats.

Mrs. Baykal (Turkey): Among the three draft resolutions before the General Assembly, Turkey will vote against the draft resolution on the law of the sea, contained in document A/50/L.34.

The reason for my delegation's negative vote is that some of the elements contained in the Convention on the Law of the Sea that had prevented Turkey from approving the Convention are retained in this draft resolution.

Turkey supports international efforts to establish a regime of the sea that is based on the principle of equity and that is acceptable to all States. However, the Convention does not make adequate provision for special geographical situations and, as a consequence, is not able to establish a satisfactory balance between conflicting interests.

Furthermore, the Convention makes no provision for registering reservations on specific clauses. Although we agree with the Convention in its general intent and most of its provisions, we were unable to sign it owing to these serious shortcomings. This being the case, we cannot accept a draft resolution that provides that States should harmonize their national legislation with the provisions of the Convention on the Law of the Sea and should ensure the consistent application of those provisions.

The Acting President: There are no further speakers in explanation of vote before the voting.

The Assembly will now take decisions on draft resolutions A/50/L.34, A/50/L.35 and A/50/L.36.

I should like to announce that the following countries have become co-sponsors of draft resolution A/50/L.34 since its introduction: Belize, France, Gabon, Guinea-Bissau, Malta, the Netherlands, the Republic of Korea and Sri Lanka.

The following countries have become co-sponsors of draft resolution A/50/L.35: Belize, Gabon and Guinea-Bissau.

Belize has become a co-sponsor of draft resolution A/50/L.36.

The Acting President: We turn first to draft resolution A/50/L.34, entitled "Law of the sea".

A recorded vote has been requested.

A recorded vote was taken.

In favour:

Algeria, Andorra, Angola, Antigua and Barbuda, Argentina, Armenia, Australia, Austria, Bahrain, Bangladesh, Barbados, Belarus, Belgium, Belize, Benin, Bolivia, Botswana, Brazil, Brunei Darussalam, Bulgaria, Burkina Faso, Cambodia, Cameroon, Canada, Cape Verde, Chad, Chile, China, Costa Rica, Côte d'Ivoire, Cuba, Cyprus, Czech Republic, Denmark, Djibouti, Egypt,

El Salvador, Eritrea, Ethiopia, Fiji, Finland, France, Georgia, Germany, Ghana, Greece, Grenada, Guatemala, Guinea, Guinea-Bissau, Guyana, Haiti, Honduras, Hungary, Iceland, India, Indonesia, Iran (Islamic Republic of), Ireland, Israel, Italy, Jamaica, Japan, Jordan, Kazakstan, Kenya, Kuwait, Lao People's Democratic Republic, Latvia, Lebanon, Libyan Arab Jamahiriya, Liechtenstein, Lithuania, Luxembourg, Madagascar, Malawi, Malaysia, Maldives, Mali, Malta, Marshall Islands, Mauritania, Mauritius, Mexico, Micronesia (Federated States of), Monaco, Morocco, Myanmar, Namibia, Netherlands, New Zealand, Nigeria, Oman, Pakistan, Panama, Papua New Guinea, Paraguay, Philippines, Poland, Portugal, Qatar, Republic of Korea, Republic of Moldova, Romania, Russian Federation, Samoa, Saudi Arabia, Seychelles, Singapore, Slovakia, South Africa, Spain, Sri Lanka, Sudan, Suriname, Swaziland, Sweden, Thailand, the former Yugoslav Republic of Macedonia, Togo, Trinidad and Tobago, Tunisia, Ukraine, United Arab Emirates, United Kingdom of Great Britain and Northern Ireland, United Republic of Tanzania, United States of America, Uruguay, Viet Nam, Yemen, Zambia, Zimbabwe

Against:
Turkey

Abstaining:
Ecuador, Peru, Venezuela

Draft resolution A/50/L.34 was adopted by 132 votes to 1, with 3 abstentions (resolution 50/23).

[Subsequently, the delegations of Bhutan, Estonia and Norway informed the Secretariat that they had intended to vote in favour.]

The Acting President: We turn now to draft resolution A/50/L.35, entitled "Agreement for the Implementation of the Provisions of the United Nations Convention on the Law of the Sea of 10 December 1982 relating to the Conservation and Management of Straddling Fish Stocks and Highly Migratory Fish Stocks".

May I take it that the Assembly decides to adopt draft resolution A/50/L.35?

Draft resolution A/50/L.35 was adopted (resolution 50/24).

The Acting President: We turn next to draft resolution A/50/L.36, entitled "Large-scale pelagic drift-net fishing and its impact on the living marine resources of the world's oceans and seas; unauthorized fishing in zones of national jurisdiction and its impact on the living marine resources of the world's oceans and seas; and fisheries by-catch and discards and their impact on the sustainable use of the world's living marine resources".

May I take it that the Assembly decides to adopt draft resolution A/50/L.36?

Draft resolution A/50/L.36 was adopted (resolution 50/25).

The Acting President: The representative of France has requested to speak in exercise of the right of reply.

May I remind members that, in accordance with General Assembly decision 34/401, statements in the exercise of the right of reply are limited to 10 minutes for the first intervention and to 5 minutes for the second intervention and should be made by delegations from their seats.

Mr. Gaussot (France) (*interpretation from French*): Two delegations used today's debate on the law of the sea as a pretext for once again bringing up the latest nuclear tests that France has had to carry out. In particular, they said, without of course furnishing the slightest proof, that these tests had harmful effects on the environment.

My delegation would like once again to recall that such an assertion is totally unfounded. It is contrary to the conclusions of all French and international scientific research that has been carried out on the test sites. The harmlessness of the French tests was again confirmed in the report submitted on 18 August last to a meeting of the Environment Ministers of the South Pacific Forum by a group of Australian scientists, led by Professor Michael Pitman. I would add that the European Commission itself recently concluded that our underground tests involved no risk to the health of the population and pointed out in particular that the level of radiation noted in Mururoa was equal to two thousandths of the authorized level.

Finally, I would specify that we have asked the Director General of the International Atomic Energy Agency to organize, at the end of this latest series of tests, an independent international scientific mission to

evaluate the impact of these tests. All of this proves France's wish to ensure full transparency on this matter.

My delegation, in these circumstances, deplores the unfounded and unjust attacks, which completely disregard the facts, that are still being levelled by some delegations.

The Acting President: May I take it that it is the wish of the General Assembly to conclude its consideration of agenda item 39?

It was so decided.

The Acting President: May I take it that it is the wish of the General Assembly to conclude its consideration of sub-item (c) of agenda item 96?

It was so decided.

Organization of work

The Acting President: I should like to make an announcement concerning agenda item 164, "Normalization of the situation concerning South Africa".

As members are aware, at its 77th plenary meeting, held on Friday, 1 December 1995, the General Assembly decided that, given its political importance, agenda item 164, "Normalization of the situation concerning South Africa", should be considered directly in a plenary meeting, on the understanding that, owing to the financial complexity of the matter, the Fifth Committee would be invited to provide technical observations regarding the implementation of any draft resolutions to be submitted for action by the General Assembly in a plenary meeting.

The Assembly further decided that the Fifth Committee should be asked to submit its technical observations by 12 December 1995.

In accordance with the decision taken by the General Assembly, the President of the General Assembly has therefore requested, through the Chairman of the Fifth Committee, that the Fifth Committee provide by 12 December 1995 technical observations regarding the implementation of draft resolution A/50/L.44, entitled "Normalization of the situation concerning South Africa".

The General Assembly will consider agenda item 164 on Friday, 15 December 1995, in the morning.

In view of the decision taken by the General Assembly with regard to the deadline given to the Fifth Committee for providing technical observations on any draft resolutions to be submitted under agenda item 164, and in view of the date of the consideration of the agenda item by the General Assembly, any draft resolutions should be submitted by Friday, 8 December 1995.

The meeting rose at 6.10 p.m.